

Message Text

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43-40

ACTION SCS-03

INFO OCT-01 ISO-00 TRSE-00 SCA-01 L-03 SSO-00 DRC-01 ARA-06

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O 011439Z OCT 75

FM AMEMBASSY NASSAU

TO SECSTATE WASHDC IMMEDIATE 7310

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E.O. 11652: N/A

TAGS: CPRS PFOR BF

SUBJ: FOREIGN BANK ACCOUNTS OF U.S. CITIZENS

REF: A. NASSAU 1118; B. STATE 172162; C. NASSAU 1589; D. STATE
231797; E. NASSAU 1573; F. NASSAU 1569; G. NASSAU 1605; H. NASSAU
1628; I. NASSAU 1636

1. REF A REQUESTED DEPARTMENT'S EARLY OPINION ON TWO QUESTIONS WHICH OCCURRED TO EMBASSY IN RESPONDING TO IRS REQUEST FOR FILES ON FOREIGN BANK ACCOUNTS OF U.S. CITIZENS. QUESTIONS WE POSED WERE:
(A) CAN U.S. CITIZENS WHO WROTE TO EMBASSY FOR ASSISTANCE TAKE LEGITIMATE UMBRAGE AT HAVING THEIR COMMUNICATIONS TURNED OVER TO IRS, AND
(B) CAN THE GCOB TAKE ISSUE WITH THE RELEASE OF BANKING INFORMATION BY THE USG TO THE IRS WHICH WOULD NOT, UNDER BAHAMIAN LAW, BE AVAILABLE FROM THE BANKS OR THE (BAHAMIAN) GOVERNMENT.

2. REF B STATED THAT MR. PETER KEENAN OF IRS HAD REQUESTED OPINION FROM IRS GENERAL COUNSEL WHICH WOULD BE FORWARDED UPON ITS RECEIPT AND THAT DEPARTMENT'S LEGAL DIVISION CONCURRED WITH POST'S POSITION ON BOTH QUESTIONS I.E. THAT RELEASE OF INFORMATION DID NOT CONSTITUTE GROUNDS FOR OBJECTION BY EITHER U.S. CITIZENS INVOLVED OR BY GCOB AS INFO CONVEYED TO THE EMBASSY PRESUPPOSED AVAILABILITY TO GOVERNMENT AS A WHOLE INCLUDING IRS ANSWERS WAS MADE AVAILABLE TO USG ON A VOLUNTARY BASIS,
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NO GCOB LAWS WERE BREACHED.

3. REF C REQUESTED DEPT TO ADVISE US WHETHER IRS HAD REACHED DECISION AND REF D STATED THAT IRS COUNSEL'S OFFICE HAD, AFTER REVIEWING APPROPRIATE STATUTES, CONCLUDED THAT THERE ARE NO STATUTORY RESTRICTIONS PROHIBITING THE RELEASE OF MATERIAL TO IRS AND THAT IRS HAD ADVISED SCS ON AUGUST 14 THAT EMBASSY HAD BEEN SO ADVISED.

4. ALTHOUGH EMBASSY INFORMALLY ADVISED BY GEORGE BARNARD, IRS, MEXICO CITY ON AUGUST 14 THAT WE WOULD BE GETTING GREEN LIGHT, WE STILL EXPECTED OFFICIAL NOTIFICATION FROM DEPT TO WHOM WE DIRECTED OUR INITIAL QUERY.

5. EMBASSY ASSUMES THAT DEPT HAS RECONSIDERED REQUEST IN LIGHT OF RECENT PUBLICITY GENERATED BY INVESTIGATION INTO IRS ACTIVITIES WHICH ALLEGEDLY TOOK PLACE IN THE BAHAMAS OVER LAST TEN YEARS I.E. OPERATIONS "TRADEWINDS" AND VEN" (REFS E. F. G. H. I.), IN RELATION TO THE FREEDOM OF INFORMATION ACT WHICH CAME INTO EFFECT SEPT. 27 AND STILL HAS NO OBJECTIONS TO. PLEASE ADVISE EMBASSY AS SOON AS POSSIBLE IF THIS ASSUMPTION IS CORRECT.

WEISS

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Message Attributes

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Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: GolinoFR
Disposition Case Number: n/a
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Disposition Date: 28 MAY 2004
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Margaret P. Grafeld
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